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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,517	04/09/2001	Victor D. Dolecek	P9530	1193
7590	12/24/2002			
Steven C. Petersen Hogan & Hartson LLP One Tabor Center 1200 17th Street Suite 1500 Denver, CO 80202			EXAMINER	
			REIFSNYDER, DAVID A	
			ART UNIT	PAPER NUMBER
			1723	
			DATE MAILED: 12/24/2002	/

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

11

DATE MAILED:

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NOTICE OF NON-RESPONSIVE AMENDMENT

Newly submitted claims 28-32 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 28-32 are directed to a method (i.e. process) for producing autologous thrombine claims while original claims 1-27 are directed to a system (i.e. apparatus) for the production of autologous thrombine.

The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)).

In this case the instantly claimed process as claimed can be practiced by another materially different apparatus such an apparatus which separates anticoagulated whole blood into various inactive components by any other type of separation device other then a centrifuge, and/or an apparatus which has two collection chambers instead of a dispenser having two collection chambers, and/or an apparatus which doesn't include the instantly claimed nozzle. Furthermore, the instantly claimed apparatus as claimed can be used to practice a materially different process such one which doesn't clot said active blood component and then express thrombine from the clot.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

Accordingly, claims 28-32 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on 26 November 2002 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they are drawn to non-elected method claims which were non-elected by original presentation.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A Reifsnyder whose telephone number is 1-703-308-0456. The examiner can normally be reached on M-F 9:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda M Walker can be reached on 1-703-308-0457. The fax phone number for the organization where this application or proceeding is assigned is 1-703-872-9310 for regular communications and 1-703-872-9311 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 1-703-308-3601.

David Reifsnyder
David A Reifsnyder
Primary Examiner
A1rt Unit 1723

DAR
December 20, 2002